

AMENDMENTS TO LB 241

Introduced by Agriculture.

1 1. Strike section 8 and insert the following new section:

2 Sec. 8. Section 54-632, Revised Statutes Cumulative
3 Supplement, 2008, is amended to read:

4 54-632 (1) Any notice or order provided for in the
5 Commercial Dog and Cat Operator Inspection Act shall be properly
6 served when it is personally served on the licensee or violator
7 or on the person authorized by the licensee to receive notices
8 and orders of the department or when it is sent by certified
9 or registered mail, return receipt requested, to the last-known
10 address of the licensee or violator or the person authorized by the
11 licensee to receive such notices and orders. A copy of the notice
12 and the order shall be filed in the records of the department.

13 (2) A notice to comply with the conditions set out in the
14 order of the director provided in section 54-631 shall set forth
15 the acts or omissions with which the licensee is charged.

16 (3) A notice of the licensee's right to a hearing
17 provided for in sections 54-630 and 54-631 shall set forth the time
18 and place of the hearing except as otherwise provided in section
19 54-631. A notice of the licensee's right to such hearing shall
20 include notice that such right to a hearing may be waived pursuant
21 to subsection ~~(5)~~ (6) of this section. A notice of the licensee's
22 right to a hearing shall include notice to the licensee that the
23 license may be subject to sanctions as provided in section 54-631.

1 (4) A request for a hearing under subsection (2) of
2 section 6 of this act shall request that the director set forth
3 the time and place of the hearing. The director shall consider the
4 interests of the violator in establishing the time and place of the
5 hearing. Within three business days after receipt by the director
6 of the hearing request, the director shall set forth the time and
7 place of the hearing on the stop-movement order. A notice of the
8 violator's right to such hearing shall include notice that such
9 right to a hearing may be waived pursuant to subsection (6) of this
10 section.

11 ~~(4)~~ (5) The hearings provided for in the act shall
12 be conducted by the director at the time and place he or she
13 designates. The director shall make a final finding based on the
14 complete hearing record and issue an order. If the director has
15 suspended a license pursuant to subsection (4) of section 54-631,
16 the director shall sustain, modify, or rescind the order after the
17 hearing. If the department has issued a stop-movement order under
18 section 6 of this act, the director may sustain, modify, or rescind
19 the order after the hearing. All hearings shall be in accordance
20 with the Administrative Procedure Act.

21 ~~(5)~~ (6) A licensee or violator waives the right to a
22 hearing if such licensee or violator does not attend the hearing at
23 the time and place set forth in the notice described in subsection
24 (3) or (4) of this section, without requesting that the director,
25 at least two days before the designated time, to change the time
26 and place for the hearing, except that before an order of the
27 director becomes final, the director may designate a different time

1 and place for the hearing if the licensee or violator shows the
2 director that the licensee or violator had a justifiable reason for
3 not attending the hearing and not timely requesting a change of
4 the time and place for such hearing. If the licensee or violator
5 waives the right to a hearing, the director shall make a final
6 finding based upon the available information and issue an order.
7 If the director has suspended a license pursuant to subsection (4)
8 of section 54-631, the director may sustain, modify, or rescind
9 the order after the hearing. If the department has issued a
10 stop-movement order under section 6 of this act, the director may
11 sustain, modify, or rescind the order after the hearing.

12 ~~(6)~~ (7) Any person aggrieved by the finding of the
13 director has ten days after the entry of the director's order to
14 request a new hearing if such person can show that a mistake of
15 fact has been made which affected the director's determination. Any
16 order of the director becomes final upon the expiration of ten days
17 after its entry if no request for a new hearing is made.

18 2. On page 2, line 3, strike "4, 6, and 8" and insert "4
19 and 6".

20 3. On page 3, line 18, after "person" insert "engaged in
21 the business of breeding dogs or cats".

22 4. On page 11, line 24, after "request" insert "in
23 writing"; and in line 25 before the period insert "within two
24 business days after receiving the order" and after the period
25 insert "The order issued pursuant to this section shall be final
26 unless modified or rescinded by the director pursuant to section
27 54-632 at a hearing requested under this subsection.".

- 1 5. On page 13, line 24, strike "from" and insert "after";
- 2 and in line 25 strike "resulting" and insert "that resulted".
- 3 6. On page 14, line 4, before the period insert "pursuant
- 4 to any findings under this subsection".
- 5 7. Correct the repealer accordingly.